

## REMARKS

1. Applicant thanks the Examiner for the Examiner's comments which have greatly assisted Applicant in responding.

Applicant has amended Claims 1 and 20. It should be noted that Applicant has elected to amend said Claims solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals, 65 Fed. Reg. 54603 (9/8/00). In making this amendment, Applicant has not and does not in any way narrow the scope of protection to which Applicant considers the invention herein to be entitled and does not concede, in any way, that the subject matter of such Claims was in fact taught or disclosed by the cited prior art. Rather, Applicant reserves Applicant's right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

2. 35 U.S.C. §103(a). The Examiner has rejected Claims 1, 15, 20, and 34 under 35 U.S.C. §103(a) as being unpatentable over Herz (6,029,195) in view of Basche (6,119,164).

Applicant respectfully disagrees.

### Claims 1 and 20:

Claims 1 and 20 have been amended to clarify the invention and appear as follows:

1. In a system including an advice consumer for gathering broadcast information from a communications medium, a communications system comprising:

an advice provider which broadcasts information over a communications medium to a third party to target information of interest to consumers;

wherein said advice consumer is advised of said information if said information meets certain predetermined relevance criteria;

a reader resident with said advice consumer that determines relevance of said broadcast information; and

wherein said advice provider offers highly targeted advice without compromising individual privacy.

20. In a system including an advice consumer for gathering broadcast information from a communications medium, a communications method comprising the steps of:

providing one or more advice providers which broadcast information over a communications medium to a third party to target information of interest to advice consumers;

advising said advice consumer of said information if said information meets certain predetermined relevance criteria;

providing a reader resident with said advice consumer that determines relevance of said broadcast information; and

said advice provider offering highly targeted advice without compromising individual privacy.

In particular, neither Herz, nor Basche teach, disclose, or contemplate a system that provides a reader resident with an advice consumer that determines relevance of the broadcast information as claimed in the invention. Herz is a server-based system that requires that all user target profile information be sent to relevant servers to be used by the servers for matching of target objects to the users (Fig. 2, col. 5, lines 47-61). Therefore, Herz teaches away and does not contemplate a system as claimed in the invention.

Further, Basche teaches away from a system as claimed in the invention by teaching that all user profile information is gathered and sent across a publicly-accessible network to a central server. The server analyzes the profile information, generates display information in response to the profile information, and returns display

information along the communications path to the workstation. (Abstract, col. 1 line 57-col. 2, line 3, col. 3, lines 19-30, Figs. 1 and 3) Basche requires that the server perform all profile matching and display generation contrary to the invention as claimed.

A unique feature of the invention is that the reader is resident with the advice consumer and protects a user's private information by keeping that information on the user's computer. The invention further allows more private user information to be used to provide targeted advice because the user's information is assured to be local and private, rather than distributed widely as in Herz and Basche. Herz and Basche, on the other hand, create a centralized server that requires that all user information reside on the server so the server can perform use its centralized database to measure similarity (in the Herz case) or analyze profile information (Basche).

Claims 15 and 34:

Claims 15 and 34 appear as follows:

15. A method for remotely and anonymously inspecting one or more communicating devices for information of interest to information consumers, said method comprising the steps of:

providing a third party consumer database inspector which is installed on a third party computer for determining if said information is relevant to any individuals in a consumer database;

said third party computer gathering advisories routinely from an advice provider which broadcasts information over a communications medium to one or more third parties to target information of interest to consumers;

using relevance evaluation to generate queries to said third party consumer database inspector;

said third party consumer database inspector querying said consumer database; and

providing relevant messages from said third party to appropriate consumers to advise said consumers of relevant information.

34. A system for remotely and anonymously inspecting one or more communicating devices for information of interest to information consumers, said system comprising:

- a third party consumer database inspector which is installed on a third party computer for determining if said information is relevant to any individuals in a consumer database;

- said third party computer including a module for gathering advisories routinely from an advice provider which broadcasts information over a communications medium to one or more third parties to target information of interest to consumers;

- a relevance evaluation module for generating queries to said third party consumer database inspector;

- said third party consumer database inspector including a module for querying said consumer database; and

- means for providing relevant messages from said third party to appropriate consumers to advise said customers of relevant information.

As discussed above, both Herz and Basche are centralized server-based systems. Neither teach or contemplate a third party computer system that gathers advisories routinely from an advice provider which broadcasts information over a communications medium to one or more third parties to target information of interest to consumers as claimed in the invention. The Office Action points to Basche col. 1, lines 6-32 which describes a search engine that retrieves information based on a user's search term. This is not analogous to an advice provider which broadcasts information over a communications medium to one or more third parties to target information of interest to consumers as claimed in the invention. A search engine actively retrieves information from passive Web sites. There is no active broadcasting to a search engine.

Further, neither Herz nor Basche teach or disclose a system that uses relevance evaluation to generate queries to said third party consumer database inspector as

claimed in the invention. The relevance evaluation is performed on the third party computer and not in a server as required by Herz and Basche. Herz col. 30, line 3-col. 31, line 35 describes a server-based system that requires user input and information be sent to the server so the server can perform profile and input matching. Herz also requires that a proxy server must exist in the system to protect user identities. The invention does not require such a proxy server because all sensitive information is kept within the third parties' computer.

Therefore, neither Herz nor Basche teach or disclose all of the claim limitations of the invention.

Claims 1, 15, 20, and 34 are allowable. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

3. 35 U.S.C. §103(a). The Examiner has rejected Claims 2, 16, 21, and 35 under 35 U.S.C. §103(a) as being unpatentable over Herz (6,029,195) in view of Basche (6,119,164) and further in view of Ellesson et al. (6,098,099).

The rejection of Claims 2, 16, 21, and 35 under 35 U.S.C. §103(a) is deemed moot in view of Applicant's comments concerning Claims 1, 15, 20, and 34 above. Claims 2, and 16, and 21, and 35 are dependent upon Claims 1, 15, 20, and 34, respectively, which are in allowable condition. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

4. 35 U.S.C. §103(a). The Examiner has rejected Claims 3-14, 17-19, 22-33, and 36-38 under 35 U.S.C. §103(a) as being unpatentable over Herz (6,029,195) in view of Basche (6,119,164), Ellesson et al. (6,098,099) and further in view of Tarter et al. (5,704,044).

The rejection of Claims 3-14, 17-19, 22-33, and 36-38 under 35 U.S.C. §103(a) is deemed moot in view of Applicant's comments concerning Claims 1, 15, 20, and 34 above. Claims 3-14, and 17-19, and 22-33, and 36-38 are dependent upon Claims 1,

15, 20, and 34, respectively, which are in allowable condition. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

### CONCLUSION

Based on the foregoing, Applicant considers the present invention to be distinguished from the art of record. Accordingly, Applicant earnestly solicits the Examiner's withdrawal of the objections and rejections raised in the above referenced Office Action, such that a Notice of Allowance is forwarded to Applicant, and the present application is therefore allowed to issue as a United States patent.

Respectfully Submitted,



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Version with markings to show changes made

### In The Claims

Please amend Claims 1 and 20 as follows (Marked copy):

1. (amended) In a system including an advice consumer for gathering broadcast information from a communications medium [and a reader associated with said advice consumer for determining relevance of said broadcast information], a communications system comprising:

an advice provider which broadcasts information over a communications medium to a third party to target information of interest to consumers;

wherein said advice consumer is advised of said information if said information meets certain predetermined relevance criteria; [and]

a reader resident with said advice consumer that determines relevance of said broadcast information; and

wherein said advice provider offers highly targeted advice without compromising individual privacy.

20. (amended) In a system including an advice consumer for gathering broadcast information from a communications medium [and a reader associated with said advice consumer for determining relevance of said broadcast information], a communications method comprising the steps of:

providing one or more advice providers which broadcast information over a communications medium to a third party to target information of interest to advice consumers;

advising said advice consumer of said information if said information meets certain predetermined relevance criteria; [and]

providing a reader resident with said advice consumer that determines relevance of said broadcast information; and

said advice provider offering highly targeted advice without compromising individual privacy.